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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,946	05/19/2000	Christine K. Shewmaker	CGNE.099.00USRe	9904

7590
Alissa M. Eagle
Calgene LLC.
1920 Fifth Street
Davis, CA 95616

10/25/2002

EXAMINER

FOX, DAVID T

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 10/25/2002

[Handwritten signature] 12

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1638

The amendment filed 26 March 2002 proposes amendments to the specification and claims that do not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications. A supplemental paper correctly amending the reissue application is required.

Applicants are reminded that amendments to reissue applications should be in compliance with 37 CFR 1.173(b), not 37 CFR 1.121(c).

Furthermore, the reply filed on 26 March 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): On page 16 of the response, Applicants request that the obviousness-type double patenting rejections of the instant claims over U.S. Patent Nos. 5,420,034 and 4,943,674 be held in abeyance. A proper response to an obviousness-type double patenting rejection is either a statement that a Terminal Disclaimer will be filed upon indication of allowable subject matter, or an argument traversing the rejection. A mere request for abeyance does not constitute a proper response. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is (703) 308-0280. The examiner can normally be reached on Monday through Friday from 10:30AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached on (703) 306-3218. The fax phone number for this Group is (703) 872-9306. The after final fax phone number is (703) 872-9307.

Application/Control Number: 09/574,946

Page 3

Art Unit: 1638

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

October 22, 2002

DAVID T. FOX
PRIMARY EXAMINER
GROUP 160-1638

David Fox